

FEDERAL COMMUNICATIONS COMMISSION

CLASS OF STATION FM

MJD

The following application is submitted for action by the Chief, Broadcast Bureau.

ST	FILE NUMBER	CALL	APPLICANT AND LOCATION	NATURE OF APPLICATION
MT	BPH -910926MI N/M	NEW 106.3MHZ	CLOUD NINE BROADCASTING, INC. KALISPELL MT	CP FOR NEW FM DN: FREQUENCY: 106.3 MHZ., ERP: 3.9 KW (H&V), HAAT: 123 METERS H&V, 48 10 34 114 20 53

LICENSE EXPIRATION DATE _____

[Signature]

CHIEF, LICENSE DIVISION

RECOMMENDATION: GRANT() CONSTRUCTION DATES, START _____ END _____

CONTESTED () UNCONTESTED ()

APPROVED _____

FOR CHIEF, BROADCAST BUREAU

F.C.C.-WASHINGTON, D.C.

FEDERAL COMMUNICATIONS COMMISSION
FEE PROCESSING FORM

FCC/MELLON SEP 26 1991

FCC
USE
OF

09-27-91 8195866 005

Please read instructions on back of this form before completing it. Section I MUST be completed. If you are applying for concurrent actions which require you to list more than one Fee Type Code, you must also complete Section II. This form must accompany all payments. Only one Fee Processing Form may be submitted per application or filing. Please type or print legibly. All required blocks must be completed or application/filing will be returned without action.

SECTION I

APPLICANT NAME (Last, first, middle initial)

CLOUD NINE BROADCASTING, INC.

MAILING ADDRESS (Line 1) (Maximum 35 characters - refer to Instruction (2) on reverse of form)

Pepper & Corazzini (c/o Robert Thompson)

MAILING ADDRESS (Line 2) (if required) (Maximum 35 characters)

1776 K Street, N.W. Suite 200

CITY

Washington

STATE OR COUNTRY (if foreign address)

D.C.

ZIP CODE

20006

CALL SIGN OR OTHER FCC IDENTIFIER (if applicable)

New FM

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in FCC Fee Filing Guides. Enter in Column (B) the Fee Multiple, if applicable. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number entered in Column (B), if any.

(A)

(B)

(C)

FEE TYPE CODE

FEE MULTIPLE
(if required)

FEE DUE FOR FEE TYPE
CODE IN COLUMN (A)

FOR FCC USE ONLY

(1)

M T R

\$ 2,030.00

SECTION II

— To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

(A)

(B)

(C)

FEE TYPE CODE

FEE MULTIPLE
(if required)

FEE DUE FOR FEE TYPE
CODE IN COLUMN (A)

FOR FCC USE ONLY

(2)

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\$	
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(3)

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\$	
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(4)

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\$	
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(5)

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\$	
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ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (5), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.

TOTAL AMOUNT REMITTED
WITH THIS APPLICATION
OR FILING

\$ 2,030.00

FOR FCC USE ONLY

2,030.00

INSTRUCTIONS FOR COMPLETING FEE PROCESSING FORM, FCC FORM 155, May 1990

- (1) **"Applicant Name"** - Enter the name (last, first, middle initial) of the applicant as it appears on the original application or filing being submitted with this Fee Processing Form. If company, enter name which is used commercially.
- (2) **"Mailing Address (Line 1)"** - Enter the street address or post office box number to which the applicant wishes correspondence sent.
- (3) **"Mailing Address (Line 2)"** - This line may be used for further identification of the address if additional space is required.
- (4) **"City"** - Enter the name of the city associated with the given street address.
- (5) **"State or Country"** - Enter the appropriate two-digit state abbreviation as prescribed by the U.S. Postal Service. If address is foreign, enter the appropriate country name here.
- (6) **"ZIP Code"** - Enter the appropriate five or nine-digit ZIP code prescribed by the U.S. Postal Service.
- (7) **"Call Sign or Other FCC Identifier"** - Enter an applicable call sign or unique FCC identifier, if any, as shown on your attached application or filing. If applying for a service affecting more than one call sign, enter one call sign only.
- (8) **Column (A), "Fee Type Code"** - Enter correct Fee Type Code(s) from the appropriate Fee Filing Guide. Only one Fee Processing Form may be submitted per application or filing. Inaccurate or erroneous Fee Type Codes may result in your application or filing being returned to you without further processing.
- (9) **Column (B), "Fee Multiple"** - Certain applications and filings may request action with respect to more than one station, license, frequency, or party and can be submitted together with one check if they meet specific conditions. This column is used only if a multiple, i.e., two or more, is being applied for. Examples of when this would be used are renewing more than one call sign, frequency, station, or the transfer of control of more than one station. Refer to the appropriate Fee Filing Guide for additional information.
- (10) **Column (C), "Fee Due For Fee Type Code in Column (A)"** - Enter in this block the amount of the fee associated with the Fee Type Code shown in Column (A) (times (x) the fee multiple, if required).
- (11) **"Total Amount Remitted With This Application or Filing"** - Enter the total of lines (1) through (5) of Column (C). This amount should equal the amount of your check or money order. We will not accept multiple checks.

HOW TO SUBMIT APPLICATIONS AND FILINGS

o Each application or filing should be assembled with the Fee Processing Form stapled to the top of the application with the check placed on top of the Fee Processing Form. DO NOT STAPLE THE CHECK TO THE APPLICATION OR FEE PROCESSING FORM. Required copies of applications should be clearly identified as "duplicate copy" and placed behind the original package. A copy of an application or filing submitted for receipt purposes only should be placed at the bottom of the submission. Extraneous material and extra copies should be avoided at all times. Failure to abide by these instructions will delay the processing of your submission.

o Completed applications or filings should be mailed to the proper address shown in the Fee Filing Guide for the particular service for which you are applying or making a filing. Applications and filings which are properly addressed to the appropriate P.O. box number may also be hand delivered to the following address. Applications received before midnight on a normal business day will receive that day's date as the receipt date. Deliveries made after midnight on Fridays will not be "officially" receipted until the next Monday. Applications received on weekends and government holidays are dated the next regular business day.

Federal Communications Commission
c/o Mellon Bank
Three Mellon Bank Center
525 William Penn Way
27th Floor, Rm. 153-2713
Pittsburgh, Pennsylvania
(Attention: Wholesale Lockbox Shift Supervisor)

o A single check, bank draft or money order made payable to the Federal Communications Commission and denominated in U.S. dollars and drawn upon a U.S. financial institution must be included with each application or filing requiring a fee. No postdated, altered or third-party checks will be accepted. Do not send cash.

o Parties hand delivering applications or filings may receive dated receipt copies by presenting copies of the applications or filings to the acceptance clerk at the time of delivery. Receipts will be provided for mail-in applications or filings if an extra copy of the application or filing is provided along with a self-addressed stamped envelope. Only one piece of paper per application or filing will be stamped for receipt purposes.

REMEMBER

o A separate completed Fee Processing Form is required with each application or filing except in certain circumstances. Please refer to the appropriate Fee Filing Guide for additional information.

o A wrong Fee Type Code or incorrect remittance may result in your application or filing being returned without processing, or result in the dismissal of your application or filing. Please ensure that FEE TYPE CODES are correct and that your check or money order equals the amount shown in the TOTAL AMOUNT REMITTED WITH THIS APPLICATION OR FILING block before submitting your application or filing.

o If you have any questions completing this form, please call the Fees Hotline, 202/632-FEES.

FCC NOTICE FOR INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

Part 1, Subpart G of the Commission's rules authorize the FCC to request the information on this form. The information requested is required in order to obtain a license or authorization from the Commission. The purpose of the information is to provide a means to link a fee payment to a specific invoice, application or filing. The information will be used by the Commission to maintain data concerning fees paid to the Commission, for internal financial control, audit, and reporting purposes. Information requested on this form will be available to the public. Your response is required to obtain a license or other authorization from the Commission.

Public reporting burden for this collection of information is estimated to average 10 minutes per response, including the time for reviewing instructions, searching data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Federal Communications Commission, Office of Managing Director, Washington, DC 20554, and to the Office of Management and Budget, Paperwork Reduction Project (3060-0440), Washington, DC 20503.

VINCENT A. PEPPER
ROBERT F. CORAZZINI
PETER H. FEINBERG
PETER GUTMANN
WILLIAM J. FRANKLIN
JOHN F. GARZIGLIA
TODD J. PARRIOTT
NEAL J. FRIEDMAN
ELLEN S. MANDELL
HOWARD J. BARR
LOUISE CYBULSKI *

* NOT ADMITTED IN D.C.

PEPPER & CORAZZINI

ATTORNEYS AT LAW
200 MONTGOMERY BUILDING
1776 K STREET, NORTHWEST
WASHINGTON, D. C. 20006
(202) 296-0600

ROBERT LEWIS THOMPSON
E. THEODORE MALLYCK
OF COUNSEL
—
FREDERICK W. FORD
1909-1986

TELECOPIER: (202) 296-5572

September 26, 1991

HAND DELIVERED

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
c/o Mellon Bank
P.O. Box 358195
Pittsburgh, Pennsylvania 15251-5195

**Re: Application for Construction Permit
New FM, Kalispell, Montana**

Dear Ms. Searcy:

Transmitted herewith in triplicate on behalf of Cloud Nine Broadcasting, Inc. is an application on FCC Form 301 for a construction permit for a new FM station at Kalispell, Montana.

Also submitted herewith is the applicant's check in the amount of \$2,030.00 in payment of the Commission's filing fee for a construction permit application for a commercial FM broadcast station (fee code: MTR), together with an FCC Form 155 reflecting this payment.

If you have any questions concerning this application, kindly communicate directly with the undersigned.

Sincerely,

Robert Thompson
Robert Lewis Thompson

Enclosure

cc: w/enc. Mr. James E. Schaeffer

BPH 106.3MHZ
-910926MI NEW
KALISPELL MT
CLOUD NINE BROADCASTING, INC.

APPLICATION FOR CONSTRUCTION PERMIT FOR COMMERCIAL BROADCAST STATION

For COMMISSION Fee Use Only	FEE NO:	For APPLICANT Fee Use Only
	FEE TYPE:	Is a fee submitted with this application? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	FEE AMT:	If fee exempt (see 47 C.F.R. Section 1.1112), indicate reason therefor (check one box): <input type="checkbox"/> Noncommercial educational licensee <input type="checkbox"/> Governmental entity
	ID SEQ:	FOR COMMISSION USE ONLY FILE NO. <i>BPH 910726 ME</i>

Section I - GENERAL INFORMATION

1. Name of Applicant CLOUD NINE BROADCASTING, INC. c/o James E. Schaeffer			Send notices and communications to the following person at the address below:		
Street Address or P.O. Box 900 West Reserve #349			Name Robert Lewis Thompson Pepper & Corazzini		
City Kalispell	State MT	ZIP Code 59901	City Washington	State DC	ZIP Code 20006
Telephone No. (Include Area Code) (406) 257-5902			Telephone No. (Include Area Code) (202) 296-0600		

2 This application is for: ☐ AM ☒ FM ☐ TV

(a) Channel No. or Frequency 292A	(b) Principal Community Kalispell	City Kalispell	State MT
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(c) Check one of the following boxes:

☒ Application for NEW station

☐ MAJOR change in licensed facilities; call sign: _____

☐ MINOR change in licensed facilities; call sign: _____

☐ MAJOR modification of construction permit; call sign: _____

File No. of construction permit: _____

☐ MINOR modification of construction permit; call sign: _____

File No. of construction permit: _____

☐ AMENDMENT to pending application; Application file number: _____

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Section I and those other portions of the form that contain the amended information.

3. Is this application mutually exclusive with a renewal application? ☐ Yes ☒ No

If Yes, state:	Call letters	Community of License	
		City	State

Section II - LEGAL QUALIFICATIONS

Name of Applicant

CLOUD NINE BROADCASTING, INC.

1. Applicant is: (check one box below)

☐

Individual

☐

General partnership

☒

For-profit corporation

☐

Other

☐

Limited partnership

☐

Not-for-profit corporation

2. If the applicant is an unincorporated association or a legal entity other than an individual, partnership, or corporation, describe in an Exhibit the nature of the application.

Exhibit No. N/A

NOTE: The terms "applicant," "parties to this application," and "non-party equity owners in the applicant" are defined in the instructions for Section II of this form. Complete information as to each "party to this application" and each "non-party equity owner in the applicant" is required. If the applicant considers that to furnish complete information would pose an unreasonable burden, it may request that the Commission waive the strict terms of this requirement with appropriate justification.

3. If the applicant is not an individual, provide the date and place of filing of the applicant's enabling charter (e.g., a limited partnership must identify its certificate of limited partnership and a corporation must identify its articles of incorporation by date and place of filing):

Date 9/25/91 Place Helena, Montana

In the event there is no requirement that the enabling charter be filed with the state, the applicant shall include the enabling charter in the applicant's public inspection file. If, in the case of a partnership, the enabling charter does not include the partnership agreement itself, the applicant shall include a copy of the agreement in the applicant's public inspection file.

4. Are there any documents, instruments, contracts or understandings (written or oral), other than instruments identified in response to Question 3 above, relating to future ownership interests in the applicant, including but not limited to, insulated limited partnership shares, nonvoting stock interests, beneficial stock ownership interests, options, rights of first refusal, or debentures?

☐ Yes ☒ No

If Yes, submit as an Exhibit all such written documents, instruments, contracts, or understandings, and provide the particulars of any oral agreement.

Exhibit No. N/A

5. Complete, if applicable, the following certifications:

(a) Applicant certifies that no limited partner will be involved in any material respect in the management or operation of the proposed station. N/A

☐ Yes ☐ No

If No, applicant must complete Question 6 below with respect to all limited partners actively involved in the media activities of the partnership.

(b) Does any investment company (as defined in 15 U.S.C. Section 80 a-3), insurance company, or trust department of any bank have an aggregated holding of greater than 5% but less than 10% of the outstanding votes of the applicant? N/A

☐ Yes ☐ No

If Yes, applicant certifies that the entity holding such interest exercises no influence or control over the applicant, directly or indirectly, and has no representatives among the officers and directors of the applicant.

☐ Yes ☐ No

Section II - LEGAL QUALIFICATIONS (Page 2)

6. List the applicant, parties to the application and non-party equity owners in the applicant. Use one column for each individual or entity. Attach additional pages if necessary.

(Read carefully - The numbered items below refer to line numbers in the following table.)

1. Name and residence of the applicant and, if applicable, its officers, directors, stockholders, or partners (if other than individual also show name, address and citizenship of natural person authorized to vote the stock). List the applicant first, officers next, then directors and, thereafter, remaining stockholders and partners.
2. Citizenship.
3. Office or directorship held.
4. Number of shares or nature of partnership interests.
5. Number of votes.
6. Percentage of votes.
7. Other existing attributable interests in any broadcast station, including the nature and size of such interests.
8. All other ownership interests of 5% or more (whether or not attributable), as well as any corporate officership or directorship, in broadcast, cable, or newspaper entities in the same market or with overlapping signals in the same broadcast service, as described in 47 C.F.R. Section 73.3555 and 76.501, including the nature and size of such interests and the positions held.

1.	Cloud Nine Broadcasting, Inc. 900 W. Reserve #349 Kalispell, MT 59901	James E. Schaeffer 900 W. Reserve #349 Kalispell, MT 59901	Bennie L. Bee, Jr. Shady River Estates Whitefish, MT 59937
2.	Montana corporation	U.S.	U.S.
3.	N/A	President, Treasurer, Director	Vice President, Secretary, Director
4.	50,000 authorized 20,000 issued	10,000	10,000
5.	20,000	10,000	10,000
6.	100	50%	50%
7.	NONE	NONE	See Exhibit 1.
8.	NONE	NONE	NONE

Section 11 - LEGAL QUALIFICATIONS (Page 3)

7. Does the applicant, any party to the application or any non-party equity owner in the applicant have, or have they had, any interest in:

(a) a broadcast station, or pending broadcast station application before the Commission?

☒ Yes ☐ No

(b) a broadcast application which has been dismissed with prejudice by the Commission?

☒ Yes ☐ No

(c) a broadcast application which has been denied by the Commission?

☐ Yes ☒ No

(d) a broadcast station, the license of which has been revoked?

☐ Yes ☒ No

(e) a broadcast application in any pending or concluded Commission proceeding which left unresolved character issues against the applicant?

☐ Yes ☒ No

If the answer to any of the questions in (a)-(e) above is Yes, state in an Exhibit the following information:

Exhibit No.
1

(1) Name of party having interest;

(2) Nature of interest or connection, giving dates;

(3) Call letters of stations or file number of application or docket; and

(4) Location.

8. (a) Are any of the parties to the application or non-party equity owners in the applicant related (as husband, wife, father, mother, brother, sister, son or daughter) to each other?

☐ Yes ☒ No

(b) Does any member of the immediate family (i.e., husband, wife, father, mother, brother, sister, son or daughter) of any party to the application or non-party equity owner in the applicant have any interest in or connection with any other broadcast station, pending broadcast application or newspaper in the same area (see Section 73.3555(c)) or, in the case of a television station applicant only, a cable television system in the same area (see Section 76.501(a))?

☒ Yes ☐ No

If the answer to (a) or (b) above is Yes, attach an Exhibit giving full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station.

Exhibit No.
2

9. State in an Exhibit any interest the applicant or any party to this application proposes to divest in the event of a grant of this application.

Exhibit No.
3

OTHER MASS MEDIA INTERESTS

10. (a) Do individuals or entities holding nonattributable interests of 5% or more in the applicant have an attributable ownership interest or corporate officership or directorship in a broadcast station, newspaper or CATV system in the same area? (See Instruction 8 to Section 11.)

☐ Yes ☐ No
N/A

(b) Does any member of the immediate family (i.e., husband, wife, father, mother, brother, sister, son or daughter) of an individual holding a nonattributable interest of 5% or more in the applicant have any interest in or connection with any other broadcast station, pending broadcast application, newspaper in the same area (see Section 73.3555(c)), or, in the case of a television station applicant only, a cable television system in the same area (see Section 76.501(a))?

☐ Yes ☐ No
N/A

If the answer to (a) and/or (b) above is Yes, attach an Exhibit giving a full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station.

Exhibit No.
N/A

CITIZENSHIP AND OTHER STATUTORY REQUIREMENTS

11. (a) Is the applicant in violation of the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments? (See Instruction C to Section 11.)

☐ Yes ☒ No

- (b) Will any funds, credits or other financial assistance for the construction, purchase or operation of the station(s) be provided by aliens, foreign entities, domestic entities controlled by aliens, or their agents?

☐ Yes ☒ No

If the answer to (b) above is Yes, attach an Exhibit giving full disclosure concerning this assistance.

Exhibit No.
N/A

12. (a) Has an adverse finding been made or an adverse final action been taken by any court or administrative body as to the applicant, any party to this application, or any non-party equity owner in the applicant in a civil or criminal proceeding brought under the provisions of any law related to the following:

Any felony; broadcast related antitrust or unfair competition; criminal fraud or fraud before another governmental unit; or discrimination?

☐ Yes ☒ No

- (b) Is there now pending in any court or administrative body any proceeding involving any of the matters referred to in (a) above?

☐ Yes ☒ No

If the answer to (a) and/or (b) above is Yes, attach an Exhibit giving full disclosure concerning persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), a statement of the facts upon which the proceeding is or was based or the nature of the offense alleged or committed, and a description of the current status or disposition of the matter.

Exhibit No.
N/A

SECTION III - FINANCIAL QUALIFICATIONS

NOTE: If this application is for a change in an operating facility do not fill out this section.

1. The applicant certifies that sufficient net liquid assets are on hand or that sufficient funds are available from committed sources to construct and operate the requested facilities for three months without revenue.

☒ Yes ☐ No

2. State the total funds you estimate are necessary to construct and operate the requested facility for three months without revenue.

\$ 160,000

3. Identify each source of funds, including the name, address, and telephone number of the source (and a contact person if the source is an entity), the relationship (if any) of the source to the applicant, and the amount of funds to be supplied by each source.

Source of Funds (Name and Address)	Telephone Number	Relationship	Amount
First National Bank c/o Keith Armstrong 319 Second Street Whitefish, MT 59937	(406)862-3535	---	\$160,000

Section IV-A - PROGRAM SERVICE STATEMENT

Attach as an Exhibit, a brief description, in narrative form, of the planned programming service relating to the issues of public concern facing the proposed service area.

Exhibit No. 4

Section IV-B - INTEGRATION STATEMENT

Attach as an Exhibit the information required in 1. and 2. below.

Exhibit No. 5

1. List each principal of the applicant who, in the event of a grant of the application on a comparative basis proposes to participate in the management of the proposed facility and, with respect to each such principal, state whether he or she will work full-time (minimum 40 hours per week) or part-time (minimum 20 hours per week) and briefly describe the proposed position and duties.
2. State with respect to each principal identified in response to Item 1. above, whether the applicant will claim qualitative credit for any of the following enhancement factors:
 - (a) Minority Status
 - (b) Past Local Residence
If Yes, specify whether in the community of license or service area and the corresponding dates.
 - (c) Female Status
 - (d) Broadcast Experience
If Yes, list each employer and position and corresponding dates.
 - (e) Daytime Preference

SECTION VI - EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

1. Does the applicant propose to employ five or more full-time employees?

☐ Yes ☒ No

If Yes, the applicant must include an EEO program called for in the separate Broadcast Equal Employment Opportunity Program Report (FCC 896-A).

SECTION VII - CERTIFICATIONS

1. Has or will the applicant comply with the public notice requirement of 47 C.F.R. Section 73.3580?

☒ Yes ☐ No

2. Has the applicant reasonable assurance, in good faith, that the site or structure proposed in Section V of this form, as the location of its transmitting antenna, will be available to the applicant for the applicant's intended purpose?

☒ Yes ☐ No

Exhibit No.
N/A

If No, attach as an Exhibit, a full explanation.

3. If reasonable assurance is not based on applicant's ownership of the proposed site or structure, applicant certifies that it has obtained such reasonable assurance by contacting the owner or person possessing control of the site or structure.

Name of Person Contacted Sam Waldenberg

Telephone No. (include area code) (406) 752-5373

Person contacted: (check one box below)

☒ Owner

☐ Owner's Agent

☐ Other (specify)

The APPLICANT hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations, and that all exhibits are a material part hereof and incorporated herein.


The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

In accordance with 47 C.F.R. Section 1.65, the APPLICANT has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in information furnished.

SECTION VII - CERTIFICATION (Page 5)

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT.
U.S. CODE, TITLE 18, SECTION 1001.

I certify that the statements in this application are true and correct to the best of my knowledge and belief, and are made in good faith.

Name of Applicant Cloud Nine Broadcasting, Inc.	Signature 
Date September 25, 1991	Title President

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT
AND THE PAPERWORK REDUCTION ACT

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The principal purpose for which the information will be used is to determine if the benefit requested is consistent with the public interest. The staff, consisting variously of attorneys, analysts, engineers and applications examiners, will use the information to determine whether the application should be granted, denied, dismissed, or designated for hearing. If all the information is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information. Your response is required to obtain the requested authority.

Public reporting burden for this collection of information is estimated to vary from 71 hours 45 minutes to 301 hours 30 minutes with an average of 118 hours 28 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, can be sent to the Federal Communications Commission, Office of Managing Director, Washington, D.C. 20554, and to the Office of Management and Budget, Paperwork Reduction Project (3060-0027), Washington, D.C. 20503.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

Cloud Nine Broadcasting, Inc.
September 25, 1991

Exhibit No. 1

Benny L. Bee, Jr. owns 10% of the stock of Gilbert Broadcasting of Montana, licensee of KMMS (AM/FM), Bozeman, Montana. His application for a new FM station at Bakersfield, California, was voluntarily dismissed.

Cloud Nine Broadcasting, Inc.
September 25, 1991

Exhibit No. 2

Benny Bee, the father of Benny L. Bee, Jr., is the vice president, director and 40% shareholder of Gilbert Broadcasting Corporation of Montana, licensee of KMMS (AM/FM), Bozeman, Montana. He also is president, director and 95% owner of Bee Broadcasting, Inc., licensee of KJJR(AM), Whitefish, Montana, and KBBZ(FM), Kalispell, Montana.

Cloud Nine Broadcasting, Inc.
September 25, 1991

Exhibit No. 3

Should this application for a new FM station at Kalispell, Montana, be granted by the FCC, Mr. Benny L. Bee, Jr. proposes to divest all of his interests in Gilbert Broadcasting Corporation of Montana and any other media interests that he may hold at that time. In addition, Mr. Bee and Mr. Schaeffer will terminate any full-time employment in order to be able to effectuate their full-time integration proposals. See Exhibit 5.

Cloud Nine Broadcasting, Inc.
September 25, 1991

Exhibit No. 4

The applicant proposes to regularly broadcast a mix of informational programs and public service announcements that will meet the ascertained needs of the proposed service area.

Exhibit No. 5

1. In the event of a grant of this application on a comparative basis, James Schaeffer proposes to be the FM station's full-time General Manager (minimum 40 hours per week) and Benny L. Bee, Jr. proposes to be the station's full-time Program Director/Promotions Director. Mr. Schaeffer will determine overall policy and the financial, legal and technical affairs of the station and Mr. Bee will determine overall policy for and supervise the programming (both entertainment and informational) and promotional affairs of the station. In cases of policy conflict, Mr. Schaeffer as General Manager will resolve the issue.

2. Mr. Schaeffer has resided in Kalispell since February 1991. His past broadcast experience includes the following:

- | | |
|-------------------------------|---|
| (a) February 1991 to present: | Sales and Promotions
Director at KJJR(AM),
KBBZ(FM) |
| (b) 1985 to Feb. 1991: | General Manager at KUUB
(AM/FM), Bozeman, Montana |
| (c) 1981 to 1985: | General Manager at
KZLS(FM), Billings,
Montana |
| (d) 1980 to 1981: | Operations Manager at
KGHL/KIDX-FM, Billings,
Montana |
| (e) 1979: | Vice President of Pro-
gramming, Western Broad-
casting Co., Missoula,
Montana (6-station group) |

- (f) 1968 to 1978: KCAP (AM/FM) (General Manager 1975-78; Operations Director 1973-4; Programming Director 1968-73)
- (g) 1967: Music Director at KGAL, Lebanon, Oregon
- (h) 1967: DJ at KFLY(AM), Corvallis, Oregon
- (i) 1966: DJ at KCAP(AM)

3. Mr. Bee has resided continuously in Whitefish, Montana, within the station's proposed service area, since 1989. He also resided in Whitefish from 1982 to 1984. His past broadcast experience includes the following:

- (a) 1989 to present: Program Director at KBBZ (FM)
- (b) 1986 to 1989: Program Director and DJ at KUUB (AM/FM)
- (c) 1984 to 1985: DJ at KSDO(FM), San Diego
- (d) 1984: DJ at KZLS, Billings, Montana
- (e) 1982 to 1984: DJ at KBBZ (FM)
- (f) 1980 to 1982: DJ at KJJR

PETER V. GURECKIS & ASSOCIATES

ORIGINAL

ENGINEERING EXHIBIT EE

CLOUD NINE BROADCASTING, INC.
KALISPELL, MONTANA

SEPTEMBER, 1991

ENGINEERING STATEMENT IN SUPPORT OF AN APPLICATION
FOR A NEW FM STATION

PETER V. GURECKIS & ASSOCIATES

CLOUD NINE BROADCASTING, INC.
KALISPELL, MONTANA


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PETER V. GURECKIS & ASSOCIATES

I, PETER V. GURECKIS, certify that I am a Consulting Radio Engineer, that my qualifications are known to the Federal Communications Commission and that my firm has been retained by CLOUD NINE BROADCASTING, INC., Kalispell, Montana, to prepare this statement.

I further state that the calculations and exhibits contained herein were prepared by me personally or under my direction and that all facts contained therein are true of my knowledge except where stated to be on information or belief, and as to those facts, I believe them to be true.



PETER V. GURECKIS
PETER V. GURECKIS & ASSOCIATES

DATE: SEPTEMBER 24, 1991

PETER V. GURECKIS & ASSOCIATES

ENGINEERING STATEMENT

CLOUD NINE BROADCASTING, INC. KALISPELL, MONTANA

This Engineering Statement has been prepared on behalf of CLOUD NINE BROADCASTING, INC., who requests a construction permit for a new FM broadcast station to operate on Channel 292A at Kalispell, Montana.

The applicant proposes to operate with an effective radiated power of 3.9 KW and at an antenna height above average terrain of 123 meters which is equivalent to 6.0 KW at 100 meters.

Figure 2 is a 7½' Topographic Map showing the proposed site located approximately 3.5 kilometers southwest of Kalispell, Montana. A two (2) bay FM antenna will be side mounted on an existing 40 meter guyed tower as shown on Figure 1. Also, located on the tower are two way antennas and Station K224AB. Further, the tower owner has advised the applicant that two LPTV permittees have permission to locate their antenna elsewhere on the tower. The site owner has also assured this applicant of its right to mount its FM antenna at the 30 meter level on the tower as specified in this application.

The applicant will accept responsibility for any adverse electrical effects to any radio service located on the tower which may result from the proposed operation. Also, the applicant will accept responsibility for all reasonable complaints of electrical interference from residents within the blanketing contour of the proposed station.

PETER V. GURECKIS & ASSOCIATES

ENGINEERING STATEMENT CLOUD NINE BROADCASTING, INC.-KALISPELL, MONTANA CONTINUED-PAGE 2

The distance to the proposed 3.16 and 1.0 Mv/M contours were determined using this office's computer program of Figure 1a in Section 73.333 of the Rules. An ERP of 3.9 KW and the center of radiation above mean sea level for each of the radials was used to determine the distances for the proposed contours.

Figure 3 is a map showing the proposed 3.16 and 1.0 Mv/M contours. It will be noted that the 3.16 Mv/M (70 dbu) contour covers all of Kalispell, Montana.

The proposed antenna site complies with the F.C.C. minimum distance separation rules.

Section V-B - FM BROADCAST ENGINEERING DATA

FOR COMMISSION USE ONLY

File No. _____

ASB Referral Date _____

Referred by _____

Name of Applicant

CLOUD NINE BROADCASTING, INC.

Call letters (if issued)

Is this application being filed in response to a window?

☒ Yes ☐ NoIf Yes, specify closing date: SEPTEMBER 26, 1991

Purpose of Application: (check appropriate boxes)

☒ Construct a new (main) facility☐ Construct a new auxiliary facility☐ Modify existing construction permit for main facility☐ Modify existing construction permit for auxiliary facility☐ Modify licensed main facility☐ Modify licensed auxiliary facility

If purpose is to modify, indicate below the nature of change(s) and specify the file number(s) of the authorizations affected.

☐ Antenna supporting-structure height☐ Effective radiated power☐ Antenna height above average terrain☐ Frequency☐ Antenna location☐ Class☐ Main Studio location☐ Other (Summarize briefly)

File Number(s) _____

1. Allocation:

Channel No.	Principal community to be served:		
	City	County	State
292	KALISPELL	FLAT HEAD	MT

Class (check only one box below)

☒ A ☐ B1 ☐ B ☐ C3☐ C2 ☐ C1 ☐ C

2. Exact location of antenna

(a) Specify address, city, county and state. If no address, specify distance and bearing relative to the nearest town or landmark. Lone Pine Ridge, Approximately 3.5 KM Southwest of Kalispell, Montana.

(b) Geographical coordinates (to nearest second). If mounted on element of an AM array, specify coordinates of center of array. Otherwise, specify tower location. Specify South Latitude or East Longitude where applicable; otherwise, North Latitude or West Longitude will be presumed.

Latitude	48°	10'	34"	Longitude	114°	20'	53"
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3. Is the supporting structure the same as that of another station(s) or proposed in another pending application(s)? ☒ Yes ☐ No

If Yes, give call letter(s) or file number(s) or both.

K224AB & VARIOUS TWO-WAY RADIO

If proposal involves a change in height of an existing structure, specify existing height above ground level including antenna, all other appurtenances, and lighting, if any.

N/A